

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/592,937 Confirmation No. : 6052
First Named Inventor : Ian David PARR
Filed : September 15, 2006
Docket No. : 102781.58282US
Customer No. : 23911
Title : Data Distribution System and Method

PETITION UNDER 37 CFR §1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Acceptance of the application papers submitted herewith pursuant to 37 C.F.R. §1.47(a) is respectfully requested.

Enclosed herewith is:

1) The executed Declaration and Power of Attorney document, including the signature of 1 of the 3 inventors named in the present application. An executed Declaration and Power of Attorney has not been received from two of the named inventors, Ian David Parr and Neil Walker. Treatment of the enclosed Declaration and Power of Attorney document as having been signed by all the available joint inventors on behalf of the nonsigning inventors, Ian David Parr and Neil Walker, is requested in accordance with MPEP §409.03(a).

2) A statement executed by Mr. Marc Morgan of Global Shared Services UK, Siemens Plc, demonstrating diligent efforts made to obtain an executed Declaration from Ian David Parr and Neil Walker. The attached statement includes exhibits evidencing these diligent efforts.

Ian David Parr's last known address is 13 Owlcastle Close, Horsham,
West Sussex, RH12 5YA.

Neil Walker's last known address is Consumer Product Marketing –
Vodafone Group Services, Floor 4, 80 Strand, London WC2R 0RF.

As set forth in the attached Statement, the Assignee has made numerous requests for Ian David Parr and Neil Walker to execute a Declaration for this application, but they have not cooperated by returning an executed copy of the Declaration in response any of these requests.

If there are any questions regarding this petition, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #102781.58282US).

September 2, 2008

Respectfully submitted,



Stephen W. Palan

Registration No. 43,420

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
SWP:crr
6244617

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/592,937	Confirmation No.	: 6052
First Named Inventor	: Ian David PARR		
Filed	: September 15, 2006		
TC/A.U.	:		
Examiner	:		
Docket No.	: 102781.58282US		
Customer No.	: 23911		
Title	: Data Distribution System and Method		

**STATEMENT OF FACTS REGARDING DILIGENT EFFORT TO LOCATE
INVENTORS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with Title 37, Code of Federal Regulations, § 1.47(a), I, Marc Morgan, a Chartered and European Patent Attorney of the Intellectual Property Department of Global Shared Services UK of Siemens Plc, hereby declare that:

(a) Based on information and belief, Ian David Parr, Robert James Garfoot and Neil Walker are co-inventors of the invention described in the above-identified patent application that was filed as a National Stage application on September 15, 2006, without an executed inventor Declaration.

(b) As set forth in detail below, I have made numerous attempts to obtain a signed Declaration from Messrs. Walker and Parr. However, Messrs. Walker and Parr have been uncooperative and have failed to return an executed Declaration in response to my numerous requests.

**EFFORTS TO OBTAIN AN EXECUTED DECLARATION FROM NEIL
WALKER**

(c) On December 11, 2006, I sent a letter to Mr. Walker, with a copy of the application and the Declaration, requesting that he return an executed copy of the Declaration. (A copy of this letter and proof of delivery are attached as Exhibit A). Mr. Walker did not respond to my letter.

(d) On September 3, 2007, I sent another letter to Mr. Walker, with another copy of the application and the Declaration, requesting his cooperation by returning an executed copy of the Declaration. (A copy of this letter and proof of delivery are attached as Exhibit B). Mr. Walker did not respond to my letter.

(e) On information and belief, Ms. Bonnie Russell, an IP Administrator with my company, subsequent to mailing the documents to Mr. Walker, contacted him by telephone. During their telephone conversation Mr. Walker informed her that he would not sign the Declaration that had been sent him.

(f) Based on information and belief, the last known address for Mr. Walker is:

Consumer Product Marketing – Vodafone Group Services
Floor 4, 80 Strand
London
WC2R 0RF

EFFORTS TO OBTAIN AN EXECUTED DECLARATION FROM IAN DAVID
PARR

(g) On November 23, 2006, I sent an electronic mail to Messrs. Garfoot and Parr to confirm that they are the inventors of the application and to arrange to have them execute the Declaration. Mr. Parr did not respond to my electronic mail. Mr. Garfoot responded to my electronic mail to confirm that they were the correct persons and that he would arrange to have Mr. Parr execute the Declaration form. (A copy of this electronic mail exchange is attached as Exhibit C).

(h) On information and belief, Ms. Russell sent a copy of the application and Declaration to Mr. Parr by electronic mail on November 23, 2006, but Mr. Parr did not respond to her electronic mail. (A copy of an electronic mail from Ms. Russell to me regarding lack of a response to her electronic mail is attached as Exhibit D).

(i) On information and belief, on February 7, 2007 Ms. Russell sent an electronic mail to Mr. Garfoot inquiring about the status of the execution of the Declaration. On information and belief, Mr. Garfoot informed Ms. Russell that he left a copy of the documents on Mr. Parr's desk for his signature. On information and belief, Ms. Russell also spoke with Mr. Parr, who indicated that he would sign the Declaration. Mr. Parr never returned a signed Declaration.

(A copy of the electronic mail exchange between Ms. Russell and Mr. Garfoot memorializing these discussions is attached as Exhibit E).

(j) In view of Mr. Parr's indication of willingness to sign the Declaration during the telephone conversation with Ms. Russell, on February 8, 2007, I sent a letter to Mr. Parr with a copy of the application and Declaration, and requested that he return a signed copy of the Declaration. Mr. Parr did not respond to this letter. (A copy of my letter and proof of delivery are attached as Exhibit F).

(k) On 3rd September 2007, I sent another letter to Mr. Parr with another copy of the application and Declaration, and requested that he return a signed copy of the Declaration. Mr. Parr did not respond to this letter. (A copy of my letter and proof of delivery are attached as Exhibit G).

(l) The last known address for Mr. Parr is:

13 Owlcastle Close,
Horsham
West Sussex
RH12 5YA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

6th August 2008

Respectfully submitted,

Marc Morgan

Marc Morgan
Chartered and European Patent Attorney
Intellectual Property Department
Global Shared Services UK
Siemens Plc

EXHIBIT A

SIEMENS

Mr. Neil WALKER
Consumer Product Marketing - Vodafone Group Services
Floor 4, 80 Strand,
London,
WC2R 0RF

Name Marc Morgan
Department IPD IP GB ROMSEY
Location Bracknell GB
Telephone +44 1980 86 3813
Fax +44 1794 83 3670
E-mail marc.morgan@siemens.com
Your reference
Our reference 2004P21395WOUS
Date SBS SOL / MOM / RUS
11.12.2006

International Patent Application no. PCT/EP2005/002823
Siemens Business Services (BBC)
"Data Distribution System and Method"

Dear Mr. Walker,

You may recall that during your time with BBC Technologies a patent application was filed for which you were named as an inventor. The company and the patent application were later acquired by Siemens.

I am pleased to say that the invention was considered of merit as to warrant entering the USA national phase. A feature of the USA patent system is that applications are first filed in the name of the inventor and a later confirmatory assignment and declaration are filed to show that the rights in the application pass to the employer. I enclose the relevant documents and a copy of the application which I hope you can sign where indicated.

Please return the signed documents to me as soon as possible in the enclosed addressed envelope.

Yours sincerely,

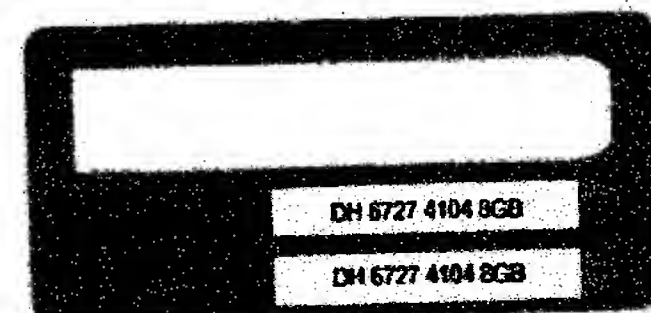

Marc Morgan
Chartered Patent Agent

IDNR: 7119 / 19.10.2006

Corporate Shared Services

Office Address:
Intellectual Property Department
The Lodge, Roke Manor
Romsey, Hampshire, SO51 0,
United Kingdom

A division of Siemens plc, Registered No. 227317, England.
Registered Office: Siemens House, Oldbury, Bracknell, Berkshire, RG12 8FZ.





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EXHIBIT B

SIEMENS

→ Sent with the
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Mr. Neil Walker
Consumer Product Marketing
Vodafone Group Services
Floor 4
80 Strand
London WC2R 0RF

Name Marc Morgan
Department IPD IP GB ROMSEY
Location Frimley GB
Telephone +44 1980 86 3813
Fax +44 1794 83 3670
E-mail marc.morgan@siemens.com

Your reference
Our reference 2004P21395WOUS
Date SIS SOL / MOM / RUS

USA National Phase of International Patent Application no. PCT/EP2005
Siemens Business Services (BBC)
"Data Distribution System and Method"

Dear Mr. Walker,

You have received a number of papers which require execution by you in order that we may
patent application in the USA. I understand that you have not returned the signed papers and have indicated
that you are not prepared to do so.

I should be grateful if you would provide me with the basis for acting in this way, in case there is any action I can
take to remove your impediment to signing. We have assumed that since the application was filed by your
former employer, you were engaged as part of your duties to come up with innovative products and services. If
you feel that was not the case we should be grateful to learn of this so we may investigate this more fully.

In the absence of a response we shall assume that your refusal to assist us is due to some other type of dispute
with your former employer.

Whilst we appreciate that ill-feeling can result when an employee moves on, we would still expect former
employees to assist with patent applications for inventions made during their employment so your refusal to do
so with an apparent good reason is not understood.

I should be grateful if you would respond to this letter and to that end I enclose a pre-paid envelope for your
reply. Obviously, if you feel able to now send the executed papers to draw this to a close we would be very
grateful. In case these have been lost we enclose a further set.

Yours sincerely,

Marc Morgan
Chartered Patent Agent
European Patent Attorney

Corporate Shared Services

Office Address:
Intellectual Property Department
The Lodge, Roke Manor
Romsey, Hampshire, SO51 0ZN
United Kingdom

A division of Siemens plc, Registered No. 727817, England.
Registered Office: Faraday House, Sir William Siemens Square, Frimley, Camberley, Surrey, GU16 9OD.

IDNR: 7118 / 19.10.2006



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EXHIBIT C

From: Rob Garfoot [robert.garfoot@servstream.com]

Sent: 23 November 2006 11:22

To: Morgan, Marc

Cc: Russell Bonnie

Subject: RE: Former BBC patent application very urgent

I'm in the same building as Ian so I can get him to sign it, he's not always in the office though so it may take a few days to get hold of him to physically sign it.

Rob

From: Morgan, Marc [mailto:marc.morgan@siemens.com]

Sent: 23 November 2006 11:11

To: Rob Garfoot

Cc: Russell Bonnie

Subject: RE: Former BBC patent application very urgent

Importance: High

Thank you Rob,

are you located with Ian Parr?

I need to send the documents to you for both of you to sign and then to return to us.

Alternatively, I will arrange the followign process

1. We send to you electronically.
2. You print and sign
3. You sned signed doc by post to Ian
4. Ian signs and then
5. Ian sends back to us (or possibly Mr Walker if we find him)

Do you have an address for Ian has he has not yet responded?

I copy Bonnie Russel my secretary for her information at this stage.

mm

From: Rob Garfoot [mailto:robert.garfoot@servstream.com]

Sent: 23 November 2006 10:59

To: Morgan, Marc

Subject: RE: Former BBC patent application very urgent

I'm the right Rob Garfoot, I don't have Neil's details I'm afraid, he left some time ago.

Rob

From: Morgan, Marc [mailto:marc.morgan@siemens.com]

Sent: 23 November 2006 10:55

To: robert.garfoot@servstream.com

Subject: FW: Former BBC patent application very urgent

Importance: High

From: Morgan, Marc
Sent: 23 November 2006 10:20
To: Garfoot, Rob; Parr, Ian
Subject: Former BBC patent application very urgent
Importance: High

Dear both

we have a patent application sponsored by SBS SOL. It includes a number of inventors . We need the signatures of the inventors for a document to be filed in the USA.

The inventors are

Robert James GARFOOT
Ian David PARR

Neil WALKER

Can you confirm that you are both one and the same!

We would like to email you the document so you may sign it. The signed document will then need to be sent back to me.

I cannot find a likely hit for Neil Walker. Do you have a contact email address for him or a business/home address?

Regards,

Marc Morgan
Patent Attorney
Chartered Patent Agent
Siemens Corporate Shared Services

Siemens plc
Tel: +44 (0)1980 863813
Fax:
assistant
E-mail: marc.morgan@siemens.com
Website: <http://www.siemens.co.uk>
Intranet: <http://intranet.sssl.siemens.co.uk>

Registered office: Siemens House, Oldbury, Bracknell, Berkshire, RG12 8FZ. Registered no: 727817, England.
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EXHIBIT D

From: Russell Bonnie
Sent: 24 January 2007 17:02
To: Morgan, Marc
Subject: 2004P21395WOUS
Hi Marc,

This is the former BBC Technologies case that we tracked down the inventors to send the Assignment PoA. I sent the docs for signature to Rob Garfoot Ian Parr on 23.11.06 by email and to Neil Walker on 11.12.06 by recorded post. I haven't received anything back yet. I have the signed electronic proof of delivery.

There is no due date as yet, until the agents receive the missing requirements notice. I have moved the O RISP 1 time limit from 16.12.06 to 23.03.07.

I have just checked with Jac in case you received any post for this file in Bracknell.

Do you have an address for Rob Garfoot Ian Parr / would you like me to send the docs to them by registered post as well?

Bonnie

Bonnie Russell
IP Administrator - Intellectual Property Department
Corporate Shared Services
Siemens plc
Office: +44 (0)1794 833127
Fax: +44 (0)1794 833670

E-mail: bonnie.russell@siemens.com
Website: <http://www.siemens.co.uk>
Intranet: <http://intranet.sssl.siemens.co.uk>

Registered office: Siemens House, Oldbury, Bracknell, Berkshire, RG12 8FZ. Registered no: 727817, England.

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EXHIBIT E

From: Garfoot, Rob
Sent: 08 February 2007 11:24
To: Russell Bonnie
Cc: Morgan, Marc
Subject: RE: Former BBC Patent application Our reference: 2004P21395WOUS
Ok I'll have to re-sign it as I no longer have the original. I'll get that sent to you asap.

Rob

-----Original Message-----

From: Russell Bonnie
Sent: 08 February 2007 10:41
To: Garfoot, Rob
Cc: Morgan, Marc
Subject: RE: Former BBC Patent application Our reference: 2004P21395WOUS

Dear Rob,

I have spoken to Ian Parr and he is happy to sign the documents so I will send him a copy. Please could you return the documents you have signed to the following address:

Intellectual Property Department,
The Lodge,
Roke Manor,
Old Salisbury Lane,
Romsey,
Hampshire,
SO51 0ZN

I have attached another copy if needed.

Many Thanks,

Bonnie

Bonnie Russell
IP Administrator - Intellectual Property Department
Corporate Shared Services
Siemens plc
Office: +44 (0)1794 833127
Fax: +44 (0)1794 833670

E-mail: bonnie.russell@siemens.com
Website: <http://www.siemens.co.uk>
Intranet: <http://intranet.sssl.siemens.co.uk>

Registered office: Siemens House, Oldbury, Bracknell, Berkshire, RG12 8FZ. Registered no: 727817, England.

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From: Garfoot, Rob
Sent: 07 February 2007 17:22
To: Russell Bonnie

Cc: Morgan, Marc

Subject: RE: Former BBC Patent application Our reference: 2004P21395WOUS

I signed them and put them on Ian Parr's desk for signing and forwarding to yourselves.

Rob

-----Original Message-----

From: Russell Bonnie

Sent: 07 February 2007 16:50

To: robert.garfoot@servstream.com; Garfoot, Rob

Cc: Morgan, Marc

Subject: FW: Former BBC Patent application Our reference: 2004P21395WOUS

Importance: High

Dear Rob,

Following your email below, we have not yet received the signed assignment and power of attorney documents. Please could you update us on the situation.

Please contact us with any further queries.

Regards,

Bonnie

Bonnie Russell

IP Administrator - Intellectual Property Department

Corporate Shared Services

Siemens plc

Office: +44 (0)1794 833127

Fax: +44 (0)1794 833670

E-mail: bonnie.russell@siemens.com

Website: <http://www.siemens.co.uk>

Intranet: <http://intranet.sssl.siemens.co.uk>

Registered office: Siemens House, Oldbury, Bracknell, Berkshire, RG12 8FZ. Registered no: 727817, England.

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From: Rob Garfoot [<mailto:robert.garfoot@servstream.com>]

Sent: 23 November 2006 16:08

To: Morgan, Marc; Russell Bonnie; Parr, Ian

Subject: RE: Former BBC Patent application very urgent Our reference: 2004P21395WOUS

Ok thanks. I've signed the forms, Ian doesn't look to be in today but I'll get him to sign them when I see him and get them sent back to you.

From: Morgan, Marc [<mailto:marc.morgan@siemens.com>]

Sent: 23 November 2006 16:07

To: Rob Garfoot; Russell Bonnie; Parr, Ian

Subject: RE: Former BBC Patent application very urgent Our reference: 2004P21395WOUS

I tend to refer to them as BBC but yes you are correct.

mm

From: Rob Garfoot [mailto:robert.garfoot@servstream.com]

Sent: 23 November 2006 15:34

To: Morgan, Marc; Russell Bonnie; Parr, Ian

Subject: RE: Former BBC Patent application very urgent Our reference: 2004P21395WOUS

Another quick query, you mention that this is a BBC patent, I was under the impression that the patent was a BBC Technology patent and as such would have transferred to Siemens. Is this not the case?

Rob

From: Morgan, Marc [mailto:marc.morgan@siemens.com]

Sent: 23 November 2006 14:48

To: Rob Garfoot; Russell Bonnie; Parr, Ian

Subject: RE: Former BBC Patent application very urgent Our reference: 2004P21395WOUS

The forms are concerned with a USA application arising out of an international application acquired from the BBC.

In the USA patent applications are first filed in the name of the inventor and then later transferred into the ownership of the company. These documents are to confirm that is the case. (Under UK law the rights to inventions made in the course of your normal duties to the company would pass to the company including the rights to overseas patents.)

regards

Marc

From: Rob Garfoot [mailto:robert.garfoot@servstream.com]

Sent: 23 November 2006 14:32

To: Russell Bonnie; Parr, Ian

Cc: Morgan, Marc

Subject: RE: Former BBC Patent application very urgent Our reference: 2004P21395WOUS

Could you please explain to me exactly what these forms are for that you'd like me to sign?

Thanks

From: Russell Bonnie [mailto:Bonnie.Russell@siemens.com]

Sent: 23 November 2006 14:29

To: robert.garfoot@servstream.com; Parr, Ian

Cc: Morgan, Marc

Subject: Former BBC Patent application very urgent Our reference: 2004P21395WOUS

Dear Rob and Ian,

Please find attached Assignment document and Declaration and Power of Attorney for signature.

Once they have been signed, please return them to me at: Intellectual Property Department, The Lodge, Roke Manor, Old Salisbury Lane, Romsey, Hampshire, SO51 0ZN.

Thank you,

Regards,

Bonnie

Bonnie Russell
IP Administrator - Intellectual Property Department
Corporate Shared Services
Siemens plc
Office: +44 (0)1794 833127
Fax: +44 (0)1794 833670

E-mail: bonnie.russell@siemens.com
Website: <http://www.siemens.co.uk>
Intranet: <http://intranet.sssl.siemens.co.uk>

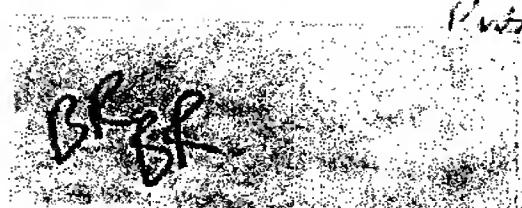
Registered office: Siemens House, Oldbury, Bracknell, Berkshire, RG12 8FZ. Registered no: 727817, England.

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EXHIBIT F

SIEMENS



→ Sent copy of
Published WO 2005/091595 A1
App.

Mr. Ian David PARR
13 Owicastle Close, Horsham,
West Sussex
RH12 5YA

Name Marc Morgan
Department IPD IP GB ROMSEY
Location Bracknell GB
Telephone +44 1980 86 3813
Fax +44 1794 83 3670
E-mail marc.morgan@siemens.com

Your reference 2004P21395WOUS
Our reference 102781.58282US / MOM / RUS
Date 08.02.2007

International Patent Application no. PCT/EP2005/002823
Siemens Business Services (BBC)
"Data Distribution System and Method"

Dear Mr. Parr,

Following your telephone conversation with Bonnie Russell on 8th February 2007, please find the enclosed documents for signature.


The documents relate to your time with BBC Technologies when a patent application was filed for which you were named as an inventor. The company and the patent application were later acquired by Siemens.

I am pleased to say that the invention was considered of merit as to warrant entering the USA national phase. A feature of the USA patent system is that applications are first filed in the name of the inventor and a later confirmatory assignment and declaration are filed to show that the rights in the application pass to the employer. I enclose the relevant documents and a copy of the application which I hope you can sign where indicated.

Please return the signed documents to me as soon as possible, to the address below, preferably by registered post.

Yours sincerely,

IDNR: 7119 / 19.10.2006


Marc Morgan
Chartered Patent Agent

Corporate Shared Services



Office Address:
Intellectual Property Department
The Lodge, Roke Manor
Romsey, Hampshire, SO51 0ZN
United Kingdom

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EXHIBIT G

SIEMENS

Red with the
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88
CP 23

Mr. Ian David Parr
13 Owlcastle Close,
Horsham
West Sussex
RH12 5YA

Name	Marc Morgan
Department	IPD IP GB ROMSEY
Location	Frimley GB
Telephone	+44 1980 86 3813
Fax	+44 1794 83 3670
E-mail	marc.morgan@siemens.com

Your reference
Our reference 2004P21395WOUS

Date

USA National Phase of International Patent Application no. PCT/EP2005
Siemens Business Services (BBC)
"Data Distribution System and Method"

Dear Mr. Parr,

You have received a number of papers which require execution by you in order to file a patent application in the USA. You have not returned these.

I should be grateful if you would provide me with the basis for acting in this way, in case there is any action I can take to remove your impediment to signing. We have assumed that since the application was filed by your former employer, you were engaged as part of your duties to come up with innovative products and services. If you feel that was not the case we should be grateful to learn of this so we may investigate this more fully.

In the absence of a response, we shall assume that your refusal to assist us is due to some other type of dispute with your former employer.

Whilst we appreciate that ill-feeling can result when an employee moves on, we would still expect former employees to assist with patent applications for inventions made during their employment so your apparent failure to do so with an apparent good reason is not understood.

I should be grateful if you would respond to this letter and to that end I enclose a pre-paid envelope for your reply. Obviously, if you feel able to now send the executed papers to draw this to a close we would be very grateful. In case these have been lost we enclose a further set.

Yours sincerely,

Marc Morgan
Chartered Patent Agent
European Patent Attorney

Corporate Shared Services

Office Address:
Intellectual Property Department
The Lodge, Roke Manor
Romsey, Hampshire, SO51 0ZN
United Kingdom

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